

INTERVIEW OF CAPTAIN SPIESS  
MARCH 20, 2007

LT. HUELSMANN: This is Lieutenant Jack Huelsmann Deputy Commander of the Internal Affairs Division. Today's date is March 20<sup>th</sup> 2007 the time is 1:05 PM. I am in the interview room of the Internal Affairs Division with Captain Joseph Spiess Commander of the 1<sup>st</sup> district along with Captain John Hayden Commander of the Internal Affairs Division. The purpose of this interview is to talk to Captain Spiess to get an idea of the property handling evidence handling procedures in the Vice and Narcotics division while Captain Spiess was commander of that division.

CAPT. HAYDEN: Capt. Spiess you were the commander, I checked the computer file that said, if it's correct, said November '03 through April '06, does that make sense?

CAPT. SPIESS: I thought it was November '04?

CAPT. HAYDEN: Okay, that will be something that I will check out. So November?

CAPT. SPIESS: Yeah it was '04.

CAPT. HAYDEN: Could be '04? Okay. As the Lieutenant had mentioned we are trying to get historical perspective about evidence and property control procedures within the particular Vice/Narcotics Unit. What in general, is this kinda, before we get into the specific types of evidence, in a general way can you kind of explain what the general evidence of seizure procedure what from seizure to property custody that type of thing what what would generally be done with any incident?

CAPT. SPIESS: Typically the detectives would do an investigation whether it be a search warrant or whatever it was. They would collect the evidence and then separate in drug evidence and non drug evidence. The drug evidence would be packaged and sent away immediately. The non drug evidence would be packaged with a case number and all the information on the outside of the bag. What they were instructed to do was to put the non drug



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evidence in to the evidence lockers that are there in Vice Narcotics location.

CAPT. HAYDEN:

Okay.

CAPT. SPIESS:

There was a property log where they were to log the property on to the property screen. They just and then eventually the property, when I first got down there, was um pretty half hazard when the cage was full the property would be taken downtown.

CAPT. HAYDEN:

Okay.

CAPT. SPIESS:

And then of course if you had money seizures involved in a case, often asset forfeiture wasn't involved immediately where they would remand the money to asset forfeiture, money would frequently would be put in the Sergeant's safes' for overnight until asset forfeiture would take the money or if it was going to property custody eventually it would go to property custody.

CAPT. HAYDEN:

How many, you mentioned locations, you mentioned the storage, how many different places could things potentially be stored? How many different?

CAPT. SPIESS:

There was one main locker where both were stored and that was on the 1<sup>st</sup> floor of the building.

CAPT. HAYDEN:

Okay, now is that a cage type thing?

CAPT. SPIESS:

Right.

CAPT. HAYDEN:

Okay. Alright. There is one thing like that. Alright and then how many safes, how many operational Sergeant safes' were used for storage of evidence or property?

CAPT. SPIESS:

Let's see, Joe Morici had one in his office, Tony Boone had one and then I had the main division safe in the commander's office.

CAPT. HAYDEN:

Okay. And all three were used for evidence and all property seizures?

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CAPT. SPIESS: Typically money, yes.

CAPT. HAYDEN: Okay, money. Okay, did you have combinations to all the safes?

CAPT. SPIESS: I defiantly had the one in the safe room inaudible office, I don't remember if I had combinations to the Sergeants safe's or not.

CAPT. HAYDEN: And do the Sergeants, would you know whether the Sergeants had utilized each others safes, or they only used the ones assigned to them? How would they do that?

CAPT. SPIESS: I am not sure.

CAPT. HAYDEN: Okay, okay. And who had keys, is the is the cage, is that key operated or is it

CAPT. SPIESS: Key.

CAPT. HAYDEN: Combination, who did you issue keys?

CAPT. SPIESS: I issued keys, eventually I issued keys uh to each division Sergeant to the evidence locker, so there at the time was five Sergeants assigned down there.

CAPT. HAYDEN: Each had a key to the evidence locker?

CAPT. SPIESS: Each had a key, it was uh, inaudible there was a turn over in Sergeants but uh we eventually Sergeants: Crew, Boone, Walken, Morici and Sloan were assigned keys to that evidence locker. Now this was a few months after my arrival as working commander.

CAPT. HAYDEN: Okay, now did they have a case to the let the officers utilize the cage as well? Or you know?

CAPT. SPIESS: Not that I am aware of.

CAPT. HAYDEN: Okay. Alright. Um. You did you all have the occasion to conduct scalping details? While you were working there?

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CAPT. SPIESS: Yes.

CAPT. HAYDEN: Okay, how could you explain how specifically how tickets would be, like if there was a scalping detail lets say tonight, how were the, how would the tickets, what would the process for be for the tickets being seized. How would that work?

CAPT. SPIESS: The officers would go out on the street to where ever the venue was that the scalping process was taking place, if they made an arrest, they would take the tickets back into the division, put them in a evidence bag, write a police report, typically it was a city ordinance violation police report for sale of tickets too high. They would place the uh whatever tickets they seized into the evidence bag and that would go into the evidence locker.

CAPT. HAYDEN: Okay. Now what...

LT. HUELSMANN: I'm sorry but would you have an expectation of when that would of occurred, I mean, prior to the of that end of tour of duty or a day later or a week later? You know the packaging and seizing of the evidence.

CAPT. SPIESS: During the course of time down there as a commander and it took a few months, for the evidence procedures to change after I got there, but I recognized that there was non drug evidence that was being stored in desks and even around desks that you know, lets say there was a microwave or something that was used in a drug case, a larger item, and once I started to recognize the fact that the officers were using their desks as opposed to property holding area. I pressed the Sergeants and the Detectives to make sure that whatever was seized ended up in the evidence locker as quickly as they could and hopefully within the day of when they seized it. So typically on a ticket scalping scenario I would imagine that they would of put the tickets into the evidence locker for that night. I don't see a reason why they wouldn't of it's not that much evidence to place in there.

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CAPT. HAYDEN: Now what you mentioned was your expectations, how, was this ever, how was this communicated to, did you have a standing memo or standing email, how was this communicated to your Sergeants and Detectives?

CAPT. SPIESS: We had meetings about issues in the unit. That was just one of many that I was trying to change and uh the effort to make the process better.

CAPT. HAYDEN: Okay.

CAPT. SPIESS: Typically, it was done in a meeting but uh I have specific recollection of doing regular inspections of the office looking for non drug evidence that was either left out on the desk or inspecting particularly the detectives that I felt like weren't complying in terms of their evidence to make sure the evidence would end up in the locker.

CAPT. HAYDEN: Did you have any like, for example, how would you you said you had pretty much performed like regular inspections did you have any like any occasions like inventory audits and things like that? To assure that,

CAPT. SPIESS: Yes, are you talking about the actually property that was in there? I checked the evidence book on a regular basis to make sure the property that was in the cage was actually taken down to property custody indicated so or that it was entered in the book properly.

CAPT. HAYDEN: Okay. Inaudible. You pretty much kinda wait. You typically will wait till it was full before you?

CAPT. SPIESS: No I changed that that was one of the things I changed. It started to be a lengthily time that property would sit in the evidence locker in the division area and I didn't want that so my recollection was we went, I think it was bi-weekly, every time we changed from night watch, or from nights to days we would, I'd task one of the Sergeants to make sure that the evidence locker was emptied out and handed down to property custody.

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And again that happened a few months after my time started down there. It wasn't an immediate change.

CAPT. HAYDEN: And you bring up a good issue. Did you have a designated Property Officer or did you switch from time to time?

CAPT. SPIESS: No, it wasn't a fun job to take all the property down to property custody.

CAPT. HAYDEN: Okay.

CAPT. SPIESS: And the truth of what I was doing was looking for violators of my requests to make sure that their evidence ending up in the locker properly. And I caught a violator. That was the first person responsible for moving the property.

CAPT. HAYDEN: While you were the commander of the Vice/Narcotic's Division did you personally ever receive requests for tickets that had been seized during a scalping detail?

CAPT. SPIESS: No.

CAPT. HAYDEN: Okay. Do you have any first hand knowledge, or was it talk about either Sergeants or Detectives getting requests for tickets that had been seized during the scalping detail?

CAPT. SPIESS: No.

CAPT. HAYDEN: Okay.

CAPT. SPIESS: Not that I am aware of.

CAPT. HAYDEN: Okay. Inaudible. Jack do you have any other questions?

LT. HUELSMANN: No, I can't think of any sir.

CAPT. HAYDEN: Okay. If there are no other questions that we can think of off the top now that we have thought about this for awhile. This concludes the interview with

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Captain Spiess. It is now 1:16 PM on March 20<sup>th</sup>,  
2007.

END OF INTERVIEW  
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